

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 1:22-CV-22671

DELIO BATISTA,
et al.,

Plaintiffs,

vs.

AVANT ASSURANCE INC.,
et al.,

Defendants.

/

**DEFENDANT'S RESPONSE TO PLAINTIFF'S STATEMENT
OF CLAIM**

Defendants, Avant Assurance Inc, Reinier Cortes, and Andrea Gonzalez Quintero, pursuant to the Court's most recent Order, February 1, 2023 [D.E. No. 39], files this Response to Plaintiffs Statement of Claim based on the information known to Defendants as follows:

ANSWER

- 1.- Denied to the extent that the Plaintiffs assert that Plaintiffs were employees and received hourly wages.
- 2.- Without knowledge, therefore denied.
- 3.- Denied in its entirety (i.e. as to the claims made by Plaintiff Mariana Lopez, Plaintiff Carlos Lopez, Plaintiff Rafeal Valiente, and Plaintiff Delio Batista).
- 4.- Denied.
- 5.- Without knowledge, therefore denied
- 6.- Without knowledge, therefore denied.

7.- Without knowledge, therefore denied.

AFFIRMATIVE DEFENSE I: HOURLY WAGES

7.- At all material times Plaintiffs were fully paid as independent contractors.

AFFIRMATIVE DEFENSE II: RECEIPT OF FORM 1099 NEC

8.- At all material times and pursuant to Plaintiffs request, Defendants issued IRS form(s) 1099 NEC for their federal income tax reporting obligations.

AFFIRMATIVE DEFENSE III: LACK OF STANDING

9.- Plaintiffs lack standing because each Plaintiff has established their independent contractor status through their respective business entities and further requested that the Defendants prepare IRS form 1099 NEC for their business entities.

WHEREFORE, Defendants reserve the right to amend these affirmative defenses, and do not waive any of the Affirmative Defenses available under applicable law or any other matter constituting an avoidance or affirmative defense as discovery may reveal.

Santiago Cueto, Esq.
Florida Bar No.: 0162566
4000 Ponce de Leon Blvd. Ste 470
Coral Gables, FL 33146
Tel.: (305) 777 0377
Primary Email: sc@cuetolawgroup.com
Attorney for Defendant

/S/ Santiago Cueto

SANTIAGO CUETO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed via electronic communication this 6th day of February 2023, with the Clerk of Court and served upon all Counsel of Record.

/S/ *Santiago Cueto*

Santiago Cueto, Esq.
Florida Bar No.: 0162566
4000 Ponce de Leon Blvd. Ste 470
Coral Gables, FL 33146
Tel.: (305) 777 0377
Primary Email: sc@cuetolawgroup.com
Attorney for Defendant